

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES WRIGHT,

No. C 12-3473 SI

Plaintiff,

v.

CITY OF VALLEJO, et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS FOR
LACK OF SUBJECT MATTER
JURISDICTION, IMPROPER VENUE,
AND FAILURE TO STATE A CLAIM;
DIRECTING THAT ANY AMENDED
COMPLAINT BE FILED IN THE
EASTERN DISTRICT OF CALIFORNIA**

Plaintiff Charles Wright, acting *pro se* and *in forma pauperis*, filed a complaint against the City of Vallejo, Mayor Osby Davis, Corporal John Garcia of the Vallejo Police Department, Senior Claim Adjuster Sheri Granata, his mother Eurline Wright, James Allen Nutt, his child's mother Katina Boyd, and Watch Commander of the Vallejo Police Department. Defendants City of Vallejo, Mayor Osby Davis, Corporal John Garcia, and Watch Commander moved to dismiss the complaint. Plaintiff Wright failed to oppose the motion to dismiss.

On September 26, 2012, Magistrate Judge Cousins filed a Report and Recommendation recommending that the Court grant the defendants' motion to dismiss for lack of subject matter jurisdiction, improper venue, and failure to state a claim for relief, and that plaintiff Wright be given leave to amend his complaint to cure the jurisdictional, venue, and pleading deficiencies. Additionally, Judge Cousins recommends that the claims against Eurline Wright be dismissed with prejudice because an amendment of the complaint would be unlikely to cure his failure to state a claim for relief against his mother. Plaintiff did not file an objection to the Report and Recommendation.

The Court has reviewed the Report and Recommendation, the complaint, and the motion to dismiss, and concludes that the complaint and defendant Eurline Wright should be dismissed for the

1 reasons set forth in the Report and Recommendation. Accordingly, the Court ADOPTS the Report and
2 Recommendation.

3 The claims against defendant Eurline Wright are DISMISSED WITHOUT LEAVE TO
4 AMEND. The balance of the complaint is DISMISSED WITH LEAVE TO AMEND. Any amended
5 complaint must be filed in the Eastern District of California (mailing address U.S. District Courthouse,
6 501 "T" Street, Sacramento, CA 95814). **Any amended complaint must be filed no later than**
7 **November 30, 2012.**

8 Plaintiff filed a document requesting that this case "stay in San Francisco." This is not possible,
9 since the claims against the City of Vallejo and the other defendants all appear to have arisen in Vallejo,
10 which is in the Eastern District of California, headquartered in Sacramento. It also appears that plaintiff
11 is currently living in Vallejo. There are state courts located in Vallejo, if plaintiff decided to bring his
12 state-law based claims in state court, rather than federal court.

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14 **IT IS SO ORDERED.**

15 Dated: October 29, 2012

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SUSAN ILLSTON
18 United States District Judge
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